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FACTS AND PARTICULARS

RELATING TO

THE CASE

OF

MORRIS *vs.* CAMERON,

RECENTLY

TRIED AT BROCKVILLE.

A. J. Matheson

Perth, Ont.

Montreal :

PRINTED AT THE MONTREAL GAZETTE OFFICE, FOR THE AUTHOR.

1845.

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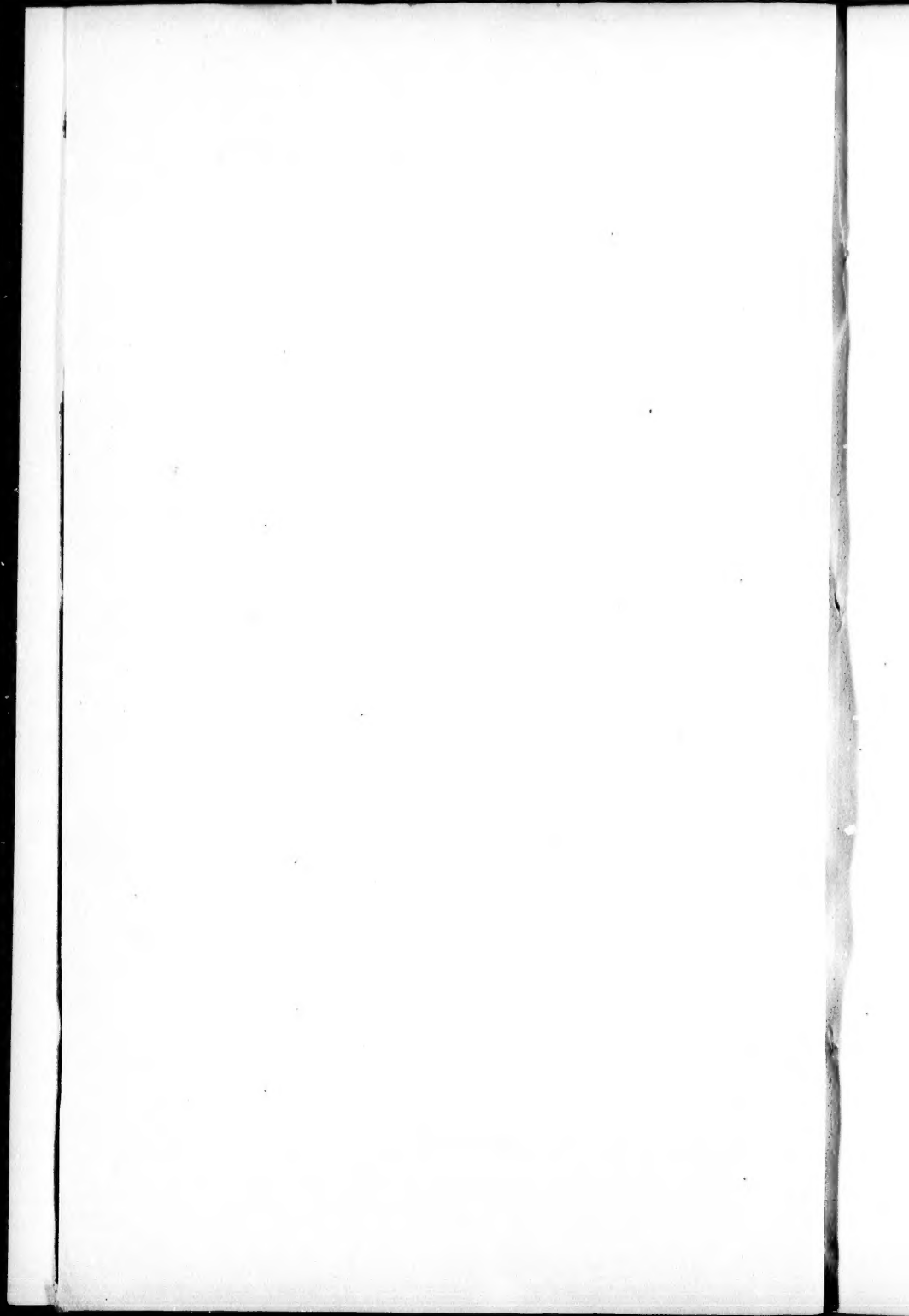
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F A C T S, & C.

The following pages will give the reader some insight into the circumstances which induced the Hon. WILLIAM MORRIS, at the late Assizes for the District of Johnstown, to bring an action for libel against MALCOLM CAMERON, Esq., Member for the County of Lanark.

This prosecution never would have been entered had the Defendant been satisfied with slandering the private character of the Plaintiff; but not content with this, he chose to represent Mr. Morris's public conduct, as an Officer of Militia during a period of thirty years, as cowardly and faithless to his Sovereign and Country. And when Mr. M. was forced to appeal to the laws of the Province for protection against the slanderous attacks of Mr. Cameron, he pleaded the general issue, thereby denying that he was the author of the libellous publications complained of, and putting it out of Mr. Morris's power to shew, by abundant testimony at his command, how utterly untrue are all the calumnies heaped upon him by Mr. Cameron.

On the eve of the general election in the year 1828, a most slanderous printed Address was circulated in the County of Lanark, over the signature of "James Robertson," and calculated to injure Mr. Morris's public as well as private character. The charges had no foundation in truth, but as the author was unknown, although suspected, the circumstance had almost been forgotten when, just before the election of members for the first Parliament of the United Province, (when it was generally supposed that Mr. Morris would not be a member of the Legislative

Council, but again offer his services to the electors of Lanark,) he received the following letter from Mr. Cameron. The subjoined reply was promptly given, and almost as promptly used to persuade the Freeholders of that County that Mr. Morris "wished him success in his election :—

PERTH, October, 1840.

DEAR SIR,—In a conversation at Brockville with your brother James, I inferred that you still feel that my having (the) been the author of that foolish and unfortunate production signed James Robertson, without having ever acknowledged its impropriety, is a bar to that cordiality of feeling which should exist with those professing similarity of views and feelings on many subjects, I would to explain and have explained some matters since ; but feeling with him that no good would result from this, I am most anxious, as I have been for years, to bury in religious oblivion every unkind or even cold feeling ; and I feel a pleasure at once in stating to you what I have oft said to many of my friends—that at the time I wrote that piece, I had not the slightest personal feeling against you, but the contrary ; but young and vain—in the employ for four years of your opponents—more or less under their influence and flattery—and urged by two persons I need not name, to gratify the vanity they flattered, I wrote (and they printed) a production unkind, unjust, and mischievous in its tendency—without any cause to doubt, or intention to injure, the acknowledged integrity of your private or public character.

Having said thus much with pleasure from my heart, I trust you will admit the causes—excuse the folly—forgive the injury—and believe that I am now above falsehood or deceit, and favour me with an expression of your respect, which I will, and would at all times have received as an evidence of my propriety of conduct.

I am sincerely,

Yours respectfully,

M. CAMERON.

The Honble. William Morris,
Perth.

A true copy,

J. JOSEPH, C. A.

PERTH, October 7, 1840.

DEAR SIR,—I have sincere pleasure in acknowledging the letter of explanation which you sent to me yesterday ; and I can assure you that the subject of it shall henceforth be with me as though it never had been.

Wishing you prosperity and happiness,

I remain, dear Sir,

Yours sincerely,

W. M.

M. Cameron, Esquire.

A true copy,

J. JOSEPH, C. A.

In November 1843, Mr. Morris, in debate on an Address to the Queen, in the Legislative Council, expressed himself strongly against many of the measures of the late Administration, and, among others, he objected to the appointments to the magistracy. He complained that the Government had removed a teacher of a District School to another Dis-

trict without consulting the Trustees. That a County Registrar had been appointed who could not record a deed, and that a person had been selected as Treasurer of a District who, when the Province was invaded in 1838, in place of joining his fellow subjects to defend the Country, did actually cross over to the American shore to attend, as he said, to his lawful business, and, by his own admission, went twelve miles out of his route, to Ogdensburg, to witness the battle of the Windmill.

For stating these incontrovertible facts, as charges against the Government, made openly in his place in Parliament as a public man, Mr. Morris was immediately assailed in the columns of the Examiner, published at Toronto, in a style of abuse which, happily, few men in the world can equal. The article in question was signed J. T., and in a few days appeared in the Bathurst Courier, printed at Perth. Mr. Morris, in order to avert the mischievous tendency of J. T., addressed the following letter to the "Weekly Despatch," also published at Perth:—

TO THE EDITOR OF THE WEEKLY DESPATCH.

BROCKVILLE, 14th Dec., 1843.

SIR,—Permit me the use of your columns to notice a very abusive article which appeared in the Toronto Examiner of the 6th instant, signed "J. T."

I care little for anonymous slander, but as the writer of the communication in question is evidently connected, in some way, with your District, and would seem to have the two-fold object of doing me an injury and stirring up strife, I think it right, in order to prevent the latter, to make the following explanation:—

My crime is some remarks I made in the Legislative Council on the 4th November, and which were incorrectly reported in the "News." I thought, when I read the debate in that paper, of setting the Editor right, but it appeared to me that this could not well be done without directing public attention too much to the matter, and thereby bringing forward the names of parties who would not desire to be made so conspicuous without their consent—considering that few persons in the Province could know to whom I alluded—and seeing *two* other versions of my observations in the Kingston papers, (I mean in the "Chronicle" and "Whig") coming very near what I did say, and certainly not personally offensive to any one, I thought it better to take no other notice of the error of the "News" reporter, than by informing the gentleman who might justly be offended, had I asserted the words referred to, that I *never* stated that he was *totally unfit for any office*; and this I accomplished in a few days afterwards by the kindness of a mutual friend. I could not have stated any thing of the kind, knowing him to possess many valuable qualities and to be an active, intelligent man. But when, in my public capacity, I stood forth to repel the attacks of an organ of the late Executive, I was forced to say that they had refused to appoint a person who was well qualified to perform the duties of Registrar, and had appointed one who was unable to record a deed.

I am next censured for something I said about the removal of the District School master to "*another*" school (not a "*new*" school) without consulting the Trustees—and I now repeat that it was an act that any

Government ought to be ashamed of. The insinuation of the writer in the "Examiner" that I "interfered by letter and otherwise to prevent Mr. Kay from getting his subsequent appointment confirmed," is without foundation.

The facts of this case, according to the best of my recollection, are as follow,—if I am mistaken, the Trustees can correct me:—About three weeks after the midsummer vacation, when the District School was in full operation, the Rev. M. Harris called a meeting of the School Trustees, and laid before them a letter which he had that day received from the master, informing them that he had been appointed to the Public School of the Eastern District, and that he would remove whenever he received intimation that the Governor had confirmed the appointment. This information caused surprise, disappointment, and displeasure, for the Trustees had no reason to expect that the master would leave the school at the beginning of the school year, without assigning any reason or giving notice of his intention to do so, and they, not knowing but the very first Post might convey the intelligence of the confirmation of Mr. Kay's appointment, resolved to take immediate steps to procure a teacher from Edinburgh, and in the meantime declared the school vacant. I told the Trustees that I would resign my office of Trustee, but that I would not send my letter forward until sufficient time had elapsed to enable Mr. Kay to procure the approval of the Governor, as I had no wish to throw any obstacle in the way of his induction to the school at Cornwall—a feeling expressed by all the Trustees—and in accordance with this intention I did not forward my letter till Mr. Kay had sent off his furniture from Perth, I think about two or three weeks afterwards.

The Trustees were not aware, as stated by "J. T.," that a code of rules which they had recently adopted, had caused any "difficulty" to the master—they were not prepared with that intention, and cannot be regarded, by any reasonable man, as offensive to any master; they were gathered, I think, from the rules in force in the Johnstown District School and in Upper Canada College.

Your obt. servant,

W. MORRIS.

TO THE EDITOR OF THE WEEKLY DESPATCH.

PERTH, Dec. 19th, 1843.

SIR,—I beg leave to certify to the correctness of the above statement of the Hon. W. Morris, relative to the resignation of Mr. Kay, late teacher of the Bathurst District School, in corroboration of which I send you a copy of that gentleman's letter to the Trustees on the subject, and which you will be pleased to insert along with this in your next number.

I am, Sir, &c. &c.

MICHAEL HARRIS,
Chairman, &c. &c.

TO THE TRUSTEES OF THE BATHURST DISTRICT SCHOOL.

PERTH, 8th August, 1843.

GENTLEMEN,—I beg leave to inform you that in consequence of having received notice of my appointment to the charge of the Eastern District School, I shall resign my present situation as soon as the nomination shall have been confirmed by the Governor.

(Signed)

WILLIAM KAY.

On the 9th of January, 1844, another abusive article, signed O. P. Q., appeared in the Bathurst Courier, in which the acknowledged falsehoods written by M. Cameron, in 1828, and apologised for in his letter of Oct., 1840, were again by him brought against Mr. Morris, * * * * with the addition of others newly coined at the same productive mint.

The principal of these accusations are :—

- 1st. That Mr. Morris was guilty of "cowardice" and "caution," as a Militia Officer in the last American War.
- 2nd. That he stood with arms folded at the commencement of the late Rebellion.
- 3rd. That he prevented the loyal Perth Volunteers from rushing to the Frontier with Capt. Fraser.
- 4th. That he disbelieved Capt. Fraser's despatches, and so prevented his (Mr. Morris's) Regiment from being at the battle of the Windmill.
- 5th. That he injured the people by procuring a grant of a public Island at Perth, for the Tay Navigation Company.
- 6th. That he injured Mr. Haggart respecting the said Island.
- 7th. That he defrauded the congregation of St. Andrew's Church, Perth, by erasing his subscription, &c.

The following documents will, it is believed, place beyond all doubt the true character of the infamous attempts to injure Mr. Morris's good name, and to cast a stain on his reputation and services as a faithful servant of the Crown. His exertions during the late war as a Volunteer on actual duty for nearly two years, he has always looked back to with feelings of pride and satisfaction; and there are still a few gallant men living who served under him and shared the dangers of engagements with the enemy, who were ready to enter the witness box and repel the foul calumny attempted to be cast upon him. But the Defendant took care, by his pleadings, to deprive Mr. Morris of this and every other means in his power to disprove the wicked charges brought against him. And it is for this reason that the reader has placed before him some of the evidence that was intended for the trial at Brockville.

And now as to the first accusation :—

On the 2nd of July, 1812, Mr. M. left a lucrative business and volunteered for permanent duty as Ensign in a Flank Company, 1st Regt. of Leeds Militia, undertook the organization and drilling of the company, and commanded it during the first campaign.

In less than a month afterwards, was on board of the armed brig "Earle Moira," when she attacked the American schooner "Julia," mounting a long thirty-two pounder, which was fired with great precision.

In September following, volunteered to command a party of the Leeds Militia in an attack on the American Fort at Ogdensburgh. The boat he commanded was in front, and the only one having Militia on board that sustained injury. One man killed and three wounded at his side: was the last boat to retreat. Alpheus Jones, Esq., of Prescott, John Kilborne, Esq., of North Crosby, and Thomas Purvis, Esquire, of Yonge, were with him as volunteers.

On the 22nd of February, 1813, was with the 2nd Company that entered Ogdensburgh when the garrison was captured, and is the indi-

vidual who was selected by the Commanding Officer to take possession of the old French Fort "Oswegatche." John Kilborne, Esquire, of the Isthmus, was the Sergeant he chose for that duty.

NEWBOROUGH, RIDEAU CANAL,
14th May, 1845.

DEAR SIR,—In reply to your letter of the 9th instant, requesting me to state what I recollect of your services during the war with the United States, I beg to say, it was under your command that a number of young men, about fifty I think, of whom I was one, volunteered in 1812, and marched to Prescott, for the purpose of aiding in the attack on the Garrison of Ogdensburgh. The boat you commanded was one of the first under fire, and the last out of danger. We were struck by a cannon shot from the enemy, which killed one of your men and wounded several others. I was standing near you at the moment we were struck; and to this day, I recollect distinctly your cool and soldierlike conduct, which, on many occasions, I have spoken of since.

In February, 1813, you were also engaged in the capture of Ogdensburgh, and after the town had fallen into our hands, you were the Officer selected by Col. McDonald to take possession of their strong hold—the old French Fort on the opposite side of the Oswegatchie river. I was then a Sergeant, and accompanied you in that duty, which was performed to the entire satisfaction of the Commanding Officer.

I was greatly surprised to hear that accusations of cowardice had been preferred against you,—charges which are without the slightest foundation in truth: your conduct during the war was marked by the greatest zeal, and your behaviour in action was cool and intrepid. It is known to all the old inhabitants of Brockville, that you were the most efficient Militia Officer in the County at the period to which I allude, and your slanderers have been most unfortunate (as I am sure they would be in any other averment they might make derogatory to your character) in casting a doubt on your courage.

I remain,

Dear Sir,

Yours truly,

JOHN KILBORNE,
Major 2d Leeds Militia.

Hon. Wm. Morris, &c. &c. &c., Montreal.

PRESCOTT, May 13th, 1845.

MY DEAR SIR,—I have your note of the 9th instant, and should have replied sooner, only that I intended to have visited Montreal ere this. As a friend, and a very old acquaintance, I am extremely sorry that you should have treated the charge of *cowardice* with the attention you have, for you are so well known that the imputation did, and will, recoil on the propagator of it.

I recollect perfectly well the attack on Ogdensburgh, under Colonel Leathbridge, (I think in 1812,) you were then on duty as an Officer of the 1st Regiment of the Leeds Militia, and were put in charge of a batteau, with some twenty-five or thirty men; and about the time the expedition was leaving this shore, I met you in the street of this place: you invited me to join in the attack with my old associates I did so, but unfortunately, after passing about three fourths of the river on our way to Ogdensburgh, (above the Battery on the point,) we were ordered to rest upon our oars, and floated down the river with the current. When

opposite the Battery at the point, the guns opened upon us. I think our boat was in advance of all the rest; the round and grape shot passing over and on each side of us, constantly, until we floated down out of the range,—previously to which, the only shot that did the expedition any damage first passed through our boat, killing one man and wounding others; then passing into a boat manned by some of the Royal Newfoundland, and killing one or two men. Soon after this, a *retreat* was sounded, and we returned to our own shore, without having accomplished the object of the expedition. Your conduct on the occasion was perfectly cool and collected, such as would be shown by any brave and loyal subject, in the service of his Queen and country. In fact, you were the coolest and most collected among us, although, I am happy to say, *none* showed the *white feather*.

Yours very sincerely,

A. JONES.

The Hon. Wm. Morris, Montreal.

The second accusation, that Mr. Morris stood with arms folded at the commencement of the rebellion, will be duly appreciated after reading the following:—

2ND REGT. LANARK MILITIA.

REGIMENTAL ORDER.

PERTH, 12th December, 1837.

In consequence of the following General Order, the Lanark Division of this Regiment will assemble at the village of Lanark, under the Command of Lieutenant-Colonel Matheson, on Monday next, at eleven o'clock, and the Drummond Division at Perth, on the same day and hour. Officers Commanding Companies will be provided with a fair written roll of their respective Companies.

The Captains or other Officers commanding companies, *are hereby ordered to assemble their respective Companies at some convenient place, once in each week, for the purpose of drill, until further orders; the first drilling to take place on Saturday, after the general parade.*

W. MORRIS,
Colonel Commanding.

W. Matheson,
Captain and Adjutant.

COPY.

PERTH, 15th Dec., 1837.

SIR,—Will you have the goodness to inform His Excellency, the Commander of the Forces, that I think the 2nd Lanark Militia as well worthy of confidence as any Militia Corps in the Province, and that I will feel greatly obliged if he will have the goodness to order 200 stand of arms and ammunition to it?

I have the honor to be, Sir,

Your obed't. servant,

W. MORRIS,
Col. Com. 2d Lanark.

To Capt. Goldie, A. D. C., Montreal.

COPY.

His Excellency the Lieutenant-Governor is pleased to direct, that the Honble. William Morris be authorized to institute examinations against any person in the Bathurst District, and to cause any such persons to be arrested, and their papers to be seized and examined, and to transmit such of their papers as may be thought necessary to His Excellency.

(Signed)

F. B. HEAD.

In Council, December 8th, 1837.

This painful duty, it is well known at Perth, Mr. M. did discharge in several instances.

ACCOUNT OF A PUBLIC MEETING,

From the Bathurst Courier, 1837.

"The inhabitants of the surrounding country, are requested to assemble at the Court House in this town on Wednesday next, at eleven o'clock, A. M., to consider the alarming state of public affairs in the adjoining Province, and to devise means for the preservation of the Colony from the horrors of a civil war.

"J. MCKAY, J. P.

W. MORRIS, J. P.

H. GRAHAM, J. P.

A. McMILLAN, J. P.

C. H. SACHE, J. P.

A. LESLIE, J. P.

R. MATHESON, J. P.

J. ADAMS, J. P.

A. FRASER, J. P.

J. A. H. POWELL, Sheriff.

G. H. READE, Clerk of the Peace."

PERTH, Dec., 2d, 1837.

Pursuant to the above notice, a great concourse of people assembled at the Court House on Wednesday last, when the Hon. W. Morris was called to the Chair, and T. M. Radenhurst, Esq., appointed Secretary. The Chairman stated the object of the meeting, and his views on the subject, in substance as follows:—

MY FRIENDS AND NEIGHBOURS,—You have been requested by the Magistrates to assemble here this day, as the notice informed you, to consider the alarming state of public affairs in the Province of Lower Canada, and to devise means for preserving the Colony from the horrors of civil war. Little did I dream that I should ever have occasion to address you on a subject so awfully important; for although I have long entertained the belief that there are persons in both Provinces who not only desire revolution, but who have industriously used every means in their power to poison the minds of the people by false representations, yet I had too good an opinion of the French Canadians, to suppose that all the arts of their disaffected leaders could ever induce them to rise in open rebellion against a government under which they have enjoyed the utmost degree of happiness, as well as civil and religious liberty,—and I feel perfectly persuaded, that not one in a hundred of the deluded people who are now opposing the Government and the laws, and who are guilty of the very blackest crime—treason against an indulgent Government—could tell, were he asked the question, what he had to complain of?—no; he could not do it—and would be obliged to say that Mr. Papineau informed him that the Government oppressed him, and that, therefore, he believed it must be true. I have always considered the peasantry of

Lower Canada a peaceful, obedient, and contented race, that never would harbour a disloyal feeling were they not deceived and imposed on by men who entertain the most rancorous hatred of every thing British. Well may we now believe that the removal of every grievance, real or pretended, about which they so loudly clamoured, could never pacify these unhappy men, for at the very moment when the administration is so modified that it may be said to be entirely in their own hands, they raise the arm of rebellion against their lawful Sovereign, and endeavour to deluge this peaceful and happy country with the blood of their fellow subjects. Under these distressing circumstances, are we to look on with unconcern, and suffer the call of our Countrymen for help, in this trying moment, to assail our ears in vain? I hope not: our duty as loyal subjects, our affection for the land of our birth as well as for that of our adoption, our veneration of that Constitution which has dispensed the blessings of civil and religious freedom to millions of the human family, and which I devoutly believe is calculated, more than any other system of government yet discovered, to confer substantial benefits to mankind, call on us in a particular manner to stand forward in opposition to all treasonable conspiracies against the Crown and laws; and it is not enough that we stay at home determined to put down every attempt which shall be made among ourselves for any such unreasonable and diabolical object, for you all feel and know that there is no danger here; but should we supinely look on when war is waging so near us, against every civil right dear to our earliest recollections, we cannot tell how soon we shall have to endure the sufferings of resistance to a powerful rebellious force. It may be too late then to say "why was it not put down at first,"—our smoking ruins and plundered property would indeed accuse and condemn us, but to what end? not, perhaps, to the restoration of our present happy condition, but to the continuance of trial and distress, such as is now felt by the people of Texas, persecuted, oppressed, and pillaged, as we would be, by bands of lawless adventurers who would flock hither, should the arm of rebellion, even for a time, prove successful. Self interest, then, would dictate to us a speedy movement to the scene of revolt to aid in crushing the unnatural attempt,—but I know that a higher motive will influence your conduct. Cradled in the lap of British freedom, you will never allow the lawless rebel to wage war on your ground without an instant, united, energetic declaration to support the Government and laws. Be prepared then at a minute's warning, all you who are young and able to endure fatigue, to march for Lower Canada; a month of hardship now may free us of years of suffering hereafter.

I call on you, then, to rally round the standard of our country, and if required, march instantly to meet every foe to that Country, whether within our own Province or in the adjoining Colony. Your attachment to the Mother Country, and lasting connexion with her, are too dear to your bosoms to be bartered away for every Utopian form of Government proposed by designing men: never let it be said that the good people of this District are wanting in sound hearts and strong arms to defend the cause of freedom. Be therefore ready for any order you may receive, and in the mean time, let us give three hearty cheers for the Queen and Constitution. Let those who are dissatisfied with our form of Government, remove to a neighbouring Country, and enjoy the sweets of republican institutions—we will not envy their possession of the utmost happiness they can hope for; but let them not attempt to take from us our dearest birthright, for if they do, we pledge every thing we hold sacred to teach them a lesson they will not soon forget.

The Resolutions I propose, embody my own sentiments, and if they meet with your approbation, I shall be satisfied. But if any person is prepared with others more suitable, I do not wish mine to be preferred.

The resolutions were carried unanimously, which are as follow :—

1st. Resolved,—That we view with alarm and abhorrence the treasonable attempt of misguided and disloyal men to subvert the Government of Lower Canada, and thereby involve the people in rebellion and bloodshed.—Carried.

2d. Resolved,—That any such attempt must inevitably disturb the peace and safety of Upper Canada, and may lead to the same deplorable results which the infatuated promoters of discord in the sister colony are aiming to accomplish.—Carried.

3rd. Resolved,—That it is our duty as loyal subjects of the Government of Great Britain and Ireland, to use all lawful means to check any and every attempt to destroy the Constitution under which it is our happiness to live; and by every endeavour to promote a lasting connexion with the parent state.—Carried.

4th. Resolved,—That, with these views and for the attainment of these objects, we hereby solemnly pledge ourselves to stand forward in defence of the Government, and, if need be, to march to Lower Canada, to suppress revolt.—Carried.

5th. Resolved,—That a copy of these resolutions be transmitted to His Excellency the Lieutenant-Governor of this Province, and also to His Excellency Sir John Colborne, the Commander of the Forces.—Carried.

GOVERNMENT HOUSE,

TORONTO, 15th December, 1837.

SIR,—I am commanded by His Excellency the Lieutenant-Governor, to acknowledge the receipt of a copy of certain Resolutions passed at a public meeting of the inhabitants of Perth, at which you presided, and I am directed by His Excellency, to assure you of the high gratification he has received from the perusal of the loyal and patriotic sentiments which those Resolutions express.

I have the honour to be, Sir,

Your most obedient humble Servant,

J. JOSEPH.

The Hon. William Morris, Chairman.

(From the Bathurst Courier.)

PERTH, December 16, 1837.

On Tuesday last, the inhabitants of this town assembled at the Court House in consequence of a notice sent round by the Magistrates. The Hon. W. Morris having been called to the chair, he explained the object of the meeting, which was to form a volunteer corps to do duty in the town, and to mount a nightly guard during the continuance of the present disturbances. He informed the meeting that rebellion had broken out in the Province, and made another strong appeal to the loyalty of the people of this part of the country, and said he did not propose the present precautionary measures from any alarm he felt that disaffection would shew itself in the District of Bathurst, but merely that the inhabitants might be organised and drilled, thereby preparing for any emergency which might happen; and as to the guard which it was proposed to establish, he thought no one could but approve of the measure, for the evil disposed in other parts of the country may take it into their heads to send

emissaries into this peaceful population, and if so, the night, when all the people were fast asleep, would in all likelihood be the time for such evil purposes—therefore the necessity of watching their movements. Nothing could exceed the animation and unanimity of the meeting; nearly one hundred persons enrolled their names on the spot, and the Magistrates requested Capt. Fraser, Lieut. Haggart, and Ensign John Bell, to undertake the charge of the corps. Captain Fraser commences drilling them immediately, and the guard is already established. In consequence of the exceeding numbers of the volunteers, additional subalterns have been attached to the body. We understand that Col. Morris has ordered the 2d Lanark Militia to parade to-morrow, and has also directed the Captains to assemble their companies for drill once a week till further orders. The 1st Lanark Militia, under the command of Col. McMillan, will be out again on Monday or Tuesday.—“*Let them come if they dare.*”

On Monday, the 2nd Regt. of Lanark Militia assembled in two divisions as notified in our last number, the right wing at this place under the command of Colonel W. Morris, and the left at Lanark under Lieut.-Colonel Matheson. Nothing could testify more strongly, that the respectable men who compose that corps are ready and determined to do their duty, than the cheerful countenances of all. But when informed that two fifths of the whole body were then to be selected to be ready for active service if wanted, as fine a body of young men volunteered their service as can be found in any country. We learn that at Lanark the same enthusiasm prevailed, and that their worthy Lieutenant-Colonel ran some risk of offending the married men by calling on the single men only. A sight of these loyal people we strongly recommend to all who labour under a disease called *Rebellion!*

2ND REGIMENT LANARK MILITIA.

PERTH, 9th January, 1838.

R. O.,—Captains or officers commanding companies will immediately select five men from each company, volunteers, to be embodied with other detachments into a corps, to serve in any part of the Province for the term of four months, agreeably to the militia general order. These volunteers to receive eight dollars per month and rations, and to provide themselves with a musket or fowling-piece. The men are recommended to bring two flannel shirts and other necessary clothing with them, and to arrive in Perth on Friday, 12th instant.

W. MORRIS,

Lieutenant-Colonel commanding.

To William Matheson, Capt. and Adjutant 2 L. M.

COPY.

PERTH, 2nd November, 1838.

SIR,—The prevailing reports of an intended invasion of this province by bands of lawless villains on the American frontier force me to feel how utterly defenceless is the condition of the inhabitants of this neighbourhood, destitute as they are of arms and ammunition, should their services be required on any sudden emergency. I have several times within the past ten months brought this fact under the notice of the government, but, as it would seem, without attracting the slightest attention to the circumstance.

I again feel it my duty to mention how very important I consider the arming of a portion of the militia of this county, in case of any dis-

turbance on the St. Lawrence; and to state my hope that at least two hundred stand of arms, with a suitable quantity of ball cartridges, will soon be forwarded to me for the use of my regiment, in case of necessity.

I would not recommend that the arms be distributed at present, but be deposited in the gaol here for safe keeping.

May I request that you will be pleased to lay this matter before his Excellency the Commander of the Forces?

I have the honor to be,

Sir, &c., &c.,

W. MORRIS,

Commanding 2nd Lanark.

To Col. Young, Inspecting Field Officer, Prescott.

PERTH, 9th November, 1838.

To the Inhabitants of the Townships of Drummond, Lanark, Darling, Dalhousie, Bathurst, and North and South Sherbrooke, comprising the 1st and 2nd Regiments of Lanark Militia.

FELLOW SUBJECTS AND NEIGHBOURS,—We feel it our duty to apprise you that another attempt to invade these provinces is about being made by numerous bands of lawless citizens of the United States, associated with disaffected persons who have left this country. The chief object of those who thus menace the peace and security of the unoffending inhabitants of Upper Canada is plunder. No man's property will be safe. Rapine and bloodshed will mark the progress of those diabolical disturbers of our quiet homes. The destruction and subversion of our government and constitution, however dear to us, are only accompaniments of the main object of the wicked banditti whose intention is to seize the property of every loyal man as a reward to this horde of pirates.

If we are true to ourselves, they can do us no harm. The resistance of an indignant, injured people will soon drive them from our soil. Be ready then to march to the frontier at a moment's notice, should your Captains receive orders for that purpose. Put your affairs in such a state of arrangement that no delay can take place when you receive the call,—and let our movement be cheerful, prompt, and determined; with such feelings animating a loyal people, the period of service can be but a few days, for the invaders of our soil cannot maintain a cause so unrighteous.

W. MORRIS,

Col. commanding 2nd Lanark Regt.

ALEX. McMILLAN,

Col. commanding 1st Lanark Regt.

GOVERNMENT HOUSE, TORONTO,
22nd November, 1838.

SIR,—I have laid before His Excellency the Lieutenant-Governor, the patriotic appeal which, in conjunction with Col. McMillan, you have addressed to the 1st and 2nd Regiments of Lanark Militia, and I am commanded by His Excellency to convey to you his cordial approbation of so seasonable and stirring a document.

I have the honor to be,

Sir,

Your most obedient humble servant,

M. MACAULAY.

Colonel the Hon. W. Morris,

Commanding 2nd Lanark Regiment, Perth.

PERTH, 7th November, 1838.

SIR,—I have this moment heard that we are on the eve of another convulsion, and that the Militia of Glengary and Leeds are ordered out. If you have occasion to take the field in this Province, it has occurred to me that my services in your presence might have a beneficial influence on many of the Militiamen during the coming contest, and be of more advantage to our cause than my personal exertions could be with the Militia of this county, where so many active officers are to be found. If you think I can be of any use to you in the event of your coming to Upper Canada, you have only to signify a wish and I will instantly repair to your head quarters.

I remain, with great respect,

Sir,

Your devoted humble servant,

W. M.

To His Excellency Sir John Colborne, K.C.B.,
&c. &c. &c.

MONTREAL, 14th Nov., 1838.

MY DEAR SIR,—I am directed by His Excellency Sir John Colborne, to acquaint you, in reply to your letter of the 7th instant, that should His Excellency have occasion to take the field in Upper Canada he will be happy to avail himself of your services.

Believe me, my dear Sir,

Very faithfully yours,

WM. ROWAN.

The Hon. W. Morris, &c. &c. &c.

HEAD QUARTERS, PERTH,
12th Nov., 1838.

SIR,—I am commanded by His Excellency the Lieutenant-Governor, to hold the 2nd Lanark Militia in readiness for active service to repel a threatened invasion from the American Frontier. You will therefore take immediate steps to inform the Militia under your command, of the probability of their being called from home in a very few days, and to be ready to march at a moment's notice. You will consult with the other officers of your company and agree upon some convenient place within its bounds for the men to assemble at. All must be ready in case of necessity, but should orders be received for the services of a *part* only of the regiment, you will forthwith, upon receipt of this, assemble all the men who are not above fifty years of age, and ballot of the number, to be in readiness to repair to the place of muster the moment you give them warning. Explain to your company that if the whole body is called out, they must assemble at once at the place agreed on. If only those who are drafted be required, they will do the same. If any man who is balloted should offer an able-bodied substitute, you will take him. And that the most perfect satisfaction may prevail as to the fairness of the ballot, I request that you will call the assistance of two intelligent Sergeants to manage the balloting with you.

I have the honor to be,

Sir,

Your obedient servant,

W. MORRIS,
Col. Com. 2nd Lanark.

To Captain ———.

The third charge is answered by the copies of letters and other documents subjoined :—

13th November, 1838.
1 o'clock, P.M.

MY DEAR WILLIAM,—Send forward *all* your men. Severe work at Prescott.

Yours,

JA. MORRIS.

To the Hon. W. Morris, Perth.

HEAD QUARTERS, PERTH, }
13th November, 1838. } Midnight.

A detachment of the 2nd Lanark Militia, will immediately assemble at Perth, to consist of the following, viz :—

Captain J. Richey, Lieut. McNicer, Ensign Bright, three Sergeants, and forty-five rank and file, to be selected in equal proportions from the companies of Captains Glass, Leleivre, Richey, J. Ferguson, and Gould. It is expected they will be here to-morrow.

Also, another detachment under the command of Capt. Leech, with L. Muirhead and Ensign M'Laren, with three Sergeants and forty-five rank and file, in equal proportions from the companies of Captains Leech, A. Ferguson, Tenant, Murdock, and Fraser. This detachment is expected to be here on the following day (Thursday).

Nine men from each Company, besides Serjeants, to be marched to Perth by an officer of each company.

The men will bring what clothing they think necessary to carry them to Brockville.

W. MORRIS,
Col. Com. 2nd Lanark.

HEAD QUARTERS, PERTH,
14th November, 1838.

MILITIA GENERAL ORDER FOR THE COUNTY OF LANARK.

Lieutenant-Colonel Fraser, Commanding the 3rd Lanark Militia, will forthwith call out one Captain, one Lieutenant, one Ensign, four Sergeants, and seventy-five rank and file, of his regiment to proceed to Brockville without delay. Due care must be taken to select men fit for duty, and, as nearly as possible, an equal number from each company in proportion to its strength.

The detachment will halt at Perth for rations, or in the event of the men bringing provisions with them for the march, to receive the sum of 1s cy. for each day's ration.

W. MORRIS,
Col. Com. 2nd Lanark Militia.

BROCKVILLE, 16th November, 1838.

SIR,—In obedience to the 33rd clause of the Militia Act, I beg leave to report, for the information of his Excellency the Lieutenant-Governor, that, on Tuesday night last, I received a despatch at Perth from Lieutenant-Colonel Morris, commanding the militia at this place, informing me that a band of pirates had taken possession of a strong position about three-quarters of a mile below Prescott, and that forces were required to repel the marauders. Colonel McMillan and myself lost no time in making arrangements to raise upwards of two hundred

men from the 1st and 2nd Lanark, by sending officers through the nearest townships to warn the men. On Wednesday morning I issued an order to Lieutenant-Colonel Fraser, directing him to furnish one Captain, one Lieutenant, one Ensign, four Sergeants, and seventy-five rank and file from the 3rd Lanark; and on the afternoon of that day the militiamen of the former regiments reached Perth, and preparations were made to march the first division yesterday morning. I accordingly set out in command before daylight, having ordered the detachment to move forward in the course of an hour afterwards.

I had not proceeded many miles before I met a dragoon with a despatch, informing me that the militiamen from those regiments were not wanted, as a strong force of regular troops had passed down from Kingston, and as a greater number of militiamen had assembled at this frontier than could be furnished with arms. I therefore directed the dragoon to deliver the despatch to Colonel McMillan at Perth, in order that the movement of the several divisions might be stopped, and I continued my route hither, and arrived late last night. I found the inhabitants here in a great state of alarm, and joined them under arms at the Court-house during a great part of the night, being the third alarm they had had this week—about two hundred militiamen doing duty here, but without sentry boxes or great coats for the men on guard, and the heavy rain of last night rendered their arms quite useless.

The back country is in a deplorably defenceless condition—only fifty old muskets in the county of Lanark, although I have brought this subject before the Government and the Commander of the Forces four times during the past twelve months. Should the present attempt of the rebels prove even partially successful, a small force might prevent the loyal people in the rear from coming out in support of the Government.

I have the honor to be,

Sir,

Your obedient servant,

W. MORRIS,

Colonel commanding 2nd Lanark Militia.

To the Adjutant-General, Toronto.

2ND REGIMENT OF LANARK MILITIA.

HEAD QUARTERS, PERTH,
22nd November, 1838.

REGIMENTAL ORDERS.

Captains of companies will immediately give in a list of the names of the militiamen balloted from their respective companies under the regimental order of the 12th instant.

A list of the names of all militiamen who were warned to repair to Perth for the purpose of being marched to Brockville under the order of the 13th instant, is also to be furnished to the Adjutant forthwith, which list must designate those who refused or neglected to do their duty on this occasion.

W. MORRIS,

Colonel commanding 2nd Lanark Militia.

PERTH, 10th December, 1838.

SIR,—Should the state of the country require the services of a portion of the Lanark Militia, whether for the purpose of relieving the

Leeds Militia, now doing duty at Brockville, or for any other object, I beg to inform your Excellency that I shall feel honoured by being placed in command.

W. MORRIS,
Colonel commanding 2nd Lanark, and
Senior Officer of the county.

To his Excellency Major-General Sir George Arthur,
&c., &c., &c.

HEAD QUARTERS, PERTH,
4th December, 1838.

2ND LANARK MILITIA.

REGIMENTAL ORDER.

The Captains of several of the companies of this regiment having reported to me that a number of their men disobeyed or neglected the Regimental Orders of the last month; and it is incumbent on me, and due to those militiamen who willingly perform their duty, that all such should be punished as the 17th Clause of the Militia Law directs. I therefore, hereby order that a Regimental Court Martial, to be composed of Captain Alexander Ferguson, President, Lieutenants Thomas Ireton and Arch. Young, and Ensigns Jno. Hall and Thomas Codd, do assemble at Lanark, on Tuesday, the 2nd day of January next, for the trial of any Non-Commissioned officer or private militiaman, of the Lanark division, for any offence or neglect of duty as aforesaid.

And also, that another Regimental Court Martial, to be composed of Captain Henry Glass, President, Lieutenants Alexander Montgomery and Sutton Froull, and Ensigns John Yeldon and Thomas McGaffrey, shall assemble at Perth, on the same day, for the trial of any militiamen for the same offences, who may belong to the Drummond Division.

Captains, or other officers commanding companies, shall cause a notice in writing to be served on any Non-Commissioned officer or private militiaman belonging to the company under his command against whom he intends preferring a complaint of neglect of duty or misconduct, which notice shall be served at least eight days before the meeting of the said Courts, and shall be in the form prescribed in the 20th Clause of the Act.

This order shall be entered in the orderly book of each company.

PERTH, 26th December, 1838.

TO HIS EXCELLENCY SIR GEORGE ARTHUR, &c. &c. &c.

SIR,—I endeavoured last January, to impress on the mind of the Adjutant-General, the inefficient state in which the 3rd Lanark Militia had been for several years, and the public importance of its better organization. Having failed to draw his attention to that and some other Militia matters, I now most respectfully approach Your Excellency, in the hope that something may speedily be done to place the 3rd Lanark in such a condition as will render the services of the loyal and respectable inhabitants of the Townships of Beckwith and Ramsay available. And for various reasons connected with the present appointments to that corps, I would recommend that it be divided into two regiments, forming a new one of Ramsay, and leaving the 3rd Regiment to embrace Beckwith alone. It is always important to secure the services of influential resident officers, and although Ramsay has a population of 2,200 souls, more than 500 of whom are liable to do militia duty, it has only three militia

officers within its bounds, all subalterns, and not persons of any note. The individuals whose names I submit to officer a new regiment to be formed in Ramsay, should Your Excellency approve of the plan, are all, except the Major, residents of the Township, and among the most respectable and suitable that can be found, and although he is not exactly an inhabitant of Ramsay, he lives within a few yards of the Boundary Line.

Lieut.-Col. James Wylie, Esq., formerly Captain of Local Militia, Scotland.

Major Robert Bell, gentleman merchant, at Carlton Place.

Captains (1) William Wylie, gentleman, merchant, Ramsay; (2) Alexander Sneddon, gentleman, merchant and miller, Ramsay; (3) John Donahue, Lieut. from 3rd Lanark; (4) William Wilson, gentleman, farmer; (5) Thomas Mansell, do. farmer and mill owner; (6) William Baird, do. merchant; (7) John Gemmill, do. farmer; (8) Andrew Toshack, do. do.

Lieutenants (1) Peter Young, gentleman, farmer; (2) William Lambie, do. do.; (3) Andrew Patterson, do. do.; (4) Robert Wilkie, do. do.; (5) John Scott, do. carriage maker; (6) John Robertson, do. farmer; (7) William Camron, Junr., do. do.; (8) Albert Tusky, do. do.

Ensigns (1) John Neilson, Junr., farmer; (2) John Patterson, gent., master blacksmith; (3) Alexander Ferguson, do. farmer; (4) John Duncan, do. timber merchant; (5) John Anderson, do. farmer; (6) James Wallace, do. do.; (7) James Rae, do. do.; (8) James Wilkie, Junr., do. do.

Adjutant, with rank of Captain, David Campbell, from 3rd Lanark.

Quarter-Master, James Stewart, gentleman farmer.

Surgeon, William Camron, Surgeon, R. N.

The fourth slander is, that Mr. Morris disbelieved Captain Fraser's despatches, &c. Read the following:—

PERTH, CANADA WEST,
5th May, 1845.

DEAR SIR,—Owing to the circumstances of my not having been called upon to give evidence at the late trial at Brockville, in your case against Cameron, I have not been afforded an opportunity of publicly refuting the allusions made, with respect to the part that you had taken, upon the occasion of the brigands from the United States having landed in the neighbourhood of Prescott, in the year 1838.

I avail myself of the present opportunity of making the following observations on that head:—

One part of the libel, published in the Bathurst Courier of the 9th January, 1844, in speaking of you, states as follows:—"Nor do I think it was cowardice which kept him with his arms folded at the commencement of the late Rebellion, and caused him to prevent the Loyal Perth Volunteers from rushing to the Frontier, with the gallant Captain Fraser, who had himself and his four sons raised their company; here again his caution made him disbelieve Mr. Fraser's despatches, and thought it better to wait, so his regiment missed being at the battle of Prescott."

I shall here briefly state what actually did take place at the moment alluded to:—

Late on the evening of the 13th November, I received a communication from Colonel Gowan, commanding at Brockville, acquainting me, with the enemy's, having landed, and requesting my aid, with such men

as I could procure, with a view to expel the intruders. Upon receiving Colonel Gowan's letter, I lost no time in waiting upon the Hon. Colonel Graham, and to whom I handed the communication. He left me immediately, with the intention of calling upon you; he soon returned and informed me, that you had at once ordered out the Militia. Early on the following morning, I was prepared to march with a strong party, but was prevented, owing to the interference of my commanding officer. I consequently resigned my Commission.

In justice to you, however, I must here state, that I had no communication whatever with you, either directly or indirectly, upon that occasion, nor have I any recollection of ever seeing you at the time: the fact of your not being my commanding officer, rendered a personal interview unnecessary and uncalled for, and therefore you could have no control over my proceedings.

I feel it now to be my duty as a soldier, to come forward openly, and thus give a direct and flat contradiction to the statement alluded to, as being wholly unfounded in truth, and not in the least degree applicable to you; and I would here conclude by adding, that I equally despise the affected compliment passed upon myself in the foregoing extract, as I do the vindictive and uncharitable spirit that dictated the whole publication, and influenced the pen of a base slanderer in endeavouring to rob an honorable gentleman of his fair fame.

I am, dear Sir,

Your's, very sincerely,

A. FRASER, Lieutenant-Colonel,
Commanding 3rd Regt. Lanark Militia.

The Hon. Col. William Morris,
Receiver General, &c. &c. &c., Montreal.

PERTH, 5th May, 1845.

SIR,—At your request, I beg to state to you my knowledge respecting your exertions in inciting the people of the Bathurst District to their duty during the Rebellion of 1837 and 1838, and to which they responded.

I have much satisfaction in bearing testimony to your invaluable exertions on that occasion. At the commencement of the Rebellion of 1837, no person could be more active than you were in urging on the people of the District the necessity that existed for prompt and ready obedience. You endeavoured by your example, your writings, and your addresses at public meetings, to infuse salutary confidence in their minds at the time; in short, no officer could be more zealous and effective than you were, until called to Toronto to attend to your Legislative duties.

I am also well acquainted with your exertions in calling out the Militia in the fall of 1838, having acted in concert with you in all that was done on that occasion, and I am well aware that there is not the slightest foundation for the accusation of neglect or apathy brought against you by the writer of the letter signed O. P. Q., which was published in the Bathurst Courier of the 9th January, 1844. Indeed, we were jointly so anxious to get the Lanark Militia to the front on that occasion, that we advanced a considerable sum of money to furnish provisions, &c., in order that they might not be delayed at Perth when they assembled there on their way.

On or about the 13th November, 1838, between eight and nine o'clock at night, I learned that the brigands from the South side of the St. Lawrence had effected a landing, and had taken possession of the

Windmill, below Prescott. As you were the Senior Colonel of Militia in the County, I went immediately to Perth to consult with you as to what was best to be done: we came to the conclusion to send 300 men to the front, with a due complement of officers, viz., 100 men from each of the three Lanark Regiments. It was near twelve o'clock at night before we got our arrangements completed, and our orders written to the different Captains of companies. On my way home, I called on Lieutenant Donald Fraser, and roused him out of bed, and although a very cold and stormy night, I gave him my own horse and despatched him on the route to Dalhousie, with orders to the several Captains of Militia to bring in their respective quota of men as soon as possible.

I called on you again next morning, when you observed that a Field-Officer should accompany the men, with which I agreed; and after a short conversation on the subject, you claimed it as your right to accompany the detachment, as you were the Senior-Officer. It was then agreed between us, that you should proceed in advance, and make preparations for the reception of the men, and that I should parade the detachment and march them off under the command of Captain Powell.

While on parade the next morning, about eight o'clock, preparatory to marching them off, an express Dragoon arrived from Brockville, and handed me a letter, addressed to you, (which you had previously received on the road and opened, and had ordered on the Dragoon to deliver it to me); that letter contained an order to you not to send the Lanark Militia to the front, as there were more men about Prescott already than could be supplied with arms. On receiving this order, I, of course, dismissed the men, and allowed them to go to their homes.

I am, Sir,

Your most obedient servant,

ALEX. M'MILLAN, C. J.,

Colonel 1st Regiment Lanark Militia.

Colonel the Hon. W. Morris, Montreal.

And now for "the public Island and the injured Naggart." Reader, peruse the following papers, and you will find that the maligner of Mr. Morris did actually sign a petition to the Government, praying that the same Island might be granted to individuals "for the improvement of the town of Perth," reserving only *one* acre for a market place, whereas the Tay Navigation Company's arrangements set apart *an acre and a half* for that purpose, and for improvements far surpassing in importance to the town any other that could be devised:—

(EXH. 7)

25th July, 1831.

And it is the prayer of your petitioners, that all the land on the South West side of the said highway, except such portions as Your Excellency has been graciously pleased to grant licences of occupation for before this time, and also all the land below the said highway not immediately required for the canal or basin, or granted heretofore by Your Excellency, be surveyed and laid out in half-quarter acre lots, except one acre in the centre, where the Market House stands, for a Fair and Market Place, and that the said half quarter acre lots be sold to the highest bidder, payable in instalments or in any other way Your Excellency may deem most proper, and your petitioners, aware that this will produce a

large fund, most humbly pray that Your Excellency may order said fund to be placed in the hands of Directors, and expended as they may see fit for the improvement of the town of Perth; and your Petitioner, &c.

(Signed)

Messrs. THOM,
TAYLOR,
SACHE,
WATSON,
J. STEWART.

Messrs. GRAHAM,
M. CAMERON,
W. & J. BELL,
W. BELL.

COPY.

EXECUTIVE COUNCIL CHAMBER AT YORK,
TUESDAY, 10th January, 1832.

PRESENT :

The Honorable James Baby, Presiding Councillor.

“ Peter Robinson,
“ George H. Markland.
“ Joseph Wells.

To His Excellency Sir John Colborne, K.C.B., Lieutenant-Governor of the Province of Upper Canada, and Major-General Commanding His Majesty's Forces therein, &c. &c. &c.

MAY IT PLEASE YOUR EXCELLENCY :

The Council have had under consideration, the application of Wm. Morris, Esquire, President of the Tay Navigation Company, and find that Cockburn Island, from its situation, is not likely to be of any particular value, except for the purposes named in the said application, and considering the spirited exertions that have been made, and are still making, to render the Tay navigable, with the difficulties in performing so important a work, they feel disposed to recommend the prayer of the petition, so far as it can be done without interfering with the rights of others.

The Council have ascertained that a person, named William Tully, professes to have a claim to a portion of said Island, also that Josias Taylor, Esquire, and George Buchanan, have licences of occupation for other parts of it, besides which a Market Place has been erected thereon by authority. With respect to the claim of Tully, and the portion occupied for a Market Place, it is recommended that they should be excepted from any grant to be made to the said Company. As regards Mr. Taylor's licence, he having acceded to a proposition of the Company, and being willing to relinquish to them in part, the Council see no objection to his portion being conveyed, leaving the arrangement with the parties. As it has been shewn that the licence of occupation of Buchanan was obtained by a false representation, designed to mislead the Council, it is recommended that his claim should be cancelled altogether unless he should make it appear that the allegations are untrue, in which case such proportion may be assigned to him as Your Excellency in Council may deem most consistent with his claim and the public interest.

With the above exceptions, it is therefore recommended, that the remaining portion of Cockburn Island be conveyed to the President, Directors, and Company of the Tay Navigation Company, in trust for the uses and benefit of said Company.

All which, is respectfully submitted.

(Signed)

J. BABY, P. C.

A true copy.

JOHN BEIKIS, Assisting.

PERTH, 21st December, 1833.

TO THE STOCKHOLDERS OF THE TAY NAVIGATION COMPANY.

The Directors of the Tay Navigation Company, in laying this report before the Stockholders, think proper to explain that although they did not communicate the progress of the works at the close of the year 1832, they nevertheless felt much anxiety to gratify those whose means had enabled the Company to commence operations; but the unfavorable nature of the weather during that season and the swollen state of the river, together with the prevailing sickness, prevented the Directors from prosecuting the work as they contemplated when they made their report at the close of the year 1831. Now, however, after the close of another season, the Directors have much pleasure in bringing the subject under the notice of the Stockholders, and in announcing to them the entire completion of the works from the Rideau Lake to the town of Perth, with the exception of the hanging of one pair of Lock Gates, so that at the opening of the Spring the navigation will be in perfect readiness for all the commercial purposes of that section of the Province, and as the several parts of the work have been executed in the most substantial manner, there cannot exist a doubt but that the ensuing year will test the advantages to be derived by the public from the improvement of the navigation of the River Tay, and also the return which the Stockholders may expect to derive from the funds which they so liberally contributed in aid of an undertaking which confers the benefits of a water communication with a populous part of the Province hitherto rendered almost inaccessible by the bad quality of the principal roads.

At an early period of the undertaking it was thought by the Engineer, Mr. Jackson, that four dams, and an equal number of locks would be found sufficient to surmount the obstacles in the navigation, but after the completion of lock No. 3, it was ascertained that the necessary height to raise the water to the head of McVitie's rapid, would cause much damage to private property by the overflowing of a considerable quantity of land, which induced the Directors to lower this level and construct one lock more than was originally intended. This extra expenditure, altogether unforeseen by the Company, induced the Directors to build this lock of timber, but they have every reason to hope that the quality of the workmanship and materials will ensure its duration for many years. It remains now for the Directors to explain the nature and extent of the several parts of the work which the Stockholders entrusted them with the management of, and in doing so, it is respectfully hoped that if in bringing the undertaking to a close, the period of time has extended to one year more than they at first assured the public was sufficient for its entire accomplishment, they cannot but flatter themselves that under the embarrassing circumstances with which they have had to contend, the public will admit that few instances will be found where so much has been done with means so limited as those placed in the hands of the Directors.

Lock No. 1, is a substantial piece of rubble masonry, and is entirely finished, with the exception of the lower pair of gates, which it was found impracticable to hang in consequence of the great depth of water set into the lock by the works on the Rideau Canal. The resident Engineer at Bytown having kindly promised to lower the level of the Rideau Lake, the Company will thus be enabled to finish that very difficult part of their labor, which has already cost many hundred pounds in vain attempts to exclude the water from this lock. Besides the dam connected with this lock, there is a regulating dam on the natural channel which is used as a waste weir to this and the next lock.

Lock No. 2, also of stone, with its dam and conduit are in a state of perfect completion and has frequently been used during the past season.

Lock No. 3, a stone structure of similar workmanship to those described, is also, with the dam and flood gates connected with it, in perfect readiness for the business of the spring.

Lock No. 4—Built during the past season, of timber, together with the necessary dam and a separate waste weir are also ready for use, except the hanging of the gates which will be done the middle of next month.

Lock No. 5, of stone, built also during the present year, has been frequently used, and has been found to answer exceedingly well, the dam of this lock raises the water up to the level of the town of Perth, where it was found necessary, in order to afford convenient room for steamboats, to excavate a basin in a piece of low ground in the centre of the town. The work was one of much difficulty, owing to the swollen state of the river during the two last summers, and especially in consequence of the wetness of the weather in the months of August and Sept. in 1832. It is satisfactory, however, to be able to state that the excavation is finished, and the water let into the basin, and that it is faced round with a stone wall of three feet in thickness, and presents a convenient sheet of water of 160 feet by 120, with a wharf of forty feet wide surrounding it. Besides these works, the Directors have built two swing bridges for the passage of vessels at places where bridges were constructed previous to the passing of the Act incorporating the Company.

Thus it will be observed, that the Directors have erected five locks, six dams and waste weirs, two swing bridges, besides several embankments, in order to render the Tay navigable to the town of Perth, for vessels of nineteen and a half feet beam, and drawing three and a half feet water. The whole distance from the Rideau Lake to the basin above described, is eleven miles.

With respect to the financial concerns of the Company, the Directors have to state that the expenditure for the whole of the works detailed above, amounts to £5000. £2000 are owing by the company for loans received upon the security of property which they possess at Perth, and a balance of little short of £1000 is still due to mechanics, labourers and others for services, materials, and provisions: to meet this debt the Company have no funds, and as many of the individuals are in circumstances of necessity, the Directors feel deep concern on the subject.

W. MORRIS, President.

J. M'KAY,

G. H. READE,

R. MATHESON,

W. R. F. BERFORD,

A. FRASER,

H. GRAHAM,

} Directors.

At a Meeting of the Directors of the Tay Navigation Company, held in the Court-House at Perth, this 1st day of March, 1833,

It was unanimously resolved,—That the thanks of the Tay Navigation Company are justly due to William Morris, Esquire, President, for his indefatigable zeal in furthering so important an undertaking, and more particularly one which has conferred such incalculable advantages on this district. Mr. Morris' exertions and perseverance have been so eminently conspicuous in promoting the interest of the Company, as to merit their best acknowledgments; and the trouble and care he has taken to remove from the Lieutenant-Governor and Council the false

representations made against those intrusted with the management of the Company's affairs, demand their gratitude.

G. H. READE,
Secretary and Director.

EXTRACT OF A LETTER FROM W. MORRIS TO THE TAY NAVIGATION
COMPANY.

PERTH, 30th November, 1840.

GENTLEMEN,—With reference to the claim of Mr. John Haggart to a title from the Tay Navigation Company of a certain piece of ground on Cockburn Island, which was formerly held by George Buchanan, Esquire, under a license of occupation, cancelled by the Executive Council in consequence of misrepresentation, I would briefly observe, that at the time the grant was obtained by the Company, it was the general opinion that the improvement of the navigation would greatly enhance the value of property on the island; and it was thought by the Board of Directors, without a dissenting voice, that as the Company would cause that increased value, and had the power to give a title far preferable to a licence of occupation, that the holder of that piece of ground might well pay something for it, and accordingly a valuation was placed on it, as well as on the rest of the island.

The stagnation in business, and the subsequent difficulties in which the Province was soon after involved, have disappointed the expectations which were at that time entertained by the Directors, and therefore my opinion is, that Mr. Haggart should get a title to the lot on more favourable terms than was, at the period alluded to, proposed; and I feel quite sure that, had he applied to the Company at any time during the past four years, he would have met a reasonable desire to do him justice. But I am not aware that he ever, directly or indirectly, made any application to them for a title to the property, or ever acknowledged that it belonged to the Company.

No man holding a license of occupation can demand a patent of the Government, as a *matter of right*; and if he did so, I am sure he would not obtain such a title. And in this instance, although I would feel disposed to give Mr. H. a deed in fee simple upon the payment of a very small sum, I would never in any arrangement forget that the licence was cancelled in consequence of a fraud committed by some one, (by whom I know not), but the individual was pointed out by Mr. Fraser when he laid the matter before the Grand Jury, and also in his complaint to the Government. I suppose the Directors remember that that gentleman has more reason to complain of the fraud than any one else; for it was practised by adding words to his signature, which made the Council suppose that a proceeding had taken place which had not.

With regard to the expectation which Mr. Haggart expressed, of getting a deed not only for the ground which was formerly held by licence, but also of all the land lying between it and the small stream above, I would simply remark, that the whole of the land, in good faith, belongs to the Bank of Upper Canada. The Directors of the T. N. C., are mere Trustees for disposing of it to the highest bidder, and for paying over the proceeds to the Bank; they cannot, therefore, give away property that in reality is not their own.

(Signed)

W. MORRIS.

To the President and Directors of the
Tay Navigation Company.

To the Honorable the Commons House of Assembly in Provincial Parliament assembled.

The Petition of the undersigned Directors of the Tay Navigation Company,

MOST HUMBLY SHEWETH:

That on the Rideau Canal being completed, the inhabitants of the District of Bathurst found that, notwithstanding the advantage derived from that public work, yet a great part of the District would not have any water communication unless the River Tay was navigable to the town of Perth. This could only be accomplished by a Joint Stock Company. The Canal on the Tay is now finished with the exception of two pair of gates. But the Directors are sorry to state, that it is not paid for: from unforeseen causes the work cost more than was expected. The Directors borrowed two thousand pounds, on the security of the Company's property in Perth, and a balance of one thousand pounds is still due.

Your Petitioners pray that your Honorable House would loan them two thousand pounds, to enable them to pay the workmen, and have the Canal ready for operation by the opening of the navigation, and the Directors pledge the Canal for the payment of the principal with legal interest. And your Petitioners will ever pray.

H. GRAHAM,
R. MATHESON,
JOHN HAGGART,
A. FRASER,
JAS. MORRIS.

PERTH, 23rd January, 1834.

MONTREAL, 20th May, 1845.

SIR,—In an article which appeared in the Bathurst Courier, signed O. P. Q., you were accused of having injured Mr. Haggart, with respect to a brick building which he owned on the Island at Perth, the property of the Tay Navigation Co., which Island was granted by the Government to aid in defraying the expense of rendering the River Tay navigable, and in excavating a basin for vessels in the centre of the town. I was a Member of the Board of Direction of that Company, as long as you were, and afterwards; and I can freely state, that whatever was done by the Company, with respect to that Island and the improvement of the navigation, was for the benefit of the town of Perth generally, and not for the advantage of the Directors of the Company, who received not one farthing of reward for arduous services during several years, and who never charged anything for their personal expenses. The whole private outlay of the Company was lost, for the revenue of the Canal has not done more than pay the interest accruing on the debt, and charges for repairs; so that the public alone have benefited by the exertions of the Company. I can say, as a personal and intimate friend of Mr. Haggart, that the Company never did him an injury, and that nothing was ever done by you, while you acted as its President, that was not intended for the public good, and that did not receive the approval of all the Directors.

I remain, Sir,

Your obedient servant,

H. GRAHAM.

Hon. W. Morris.

The papers annexed will explain the nature of Mr. Cameron's last libel on the Defendant.

St. Andrew's Church, Perth, was built by private subscriptions, and managed by Trustees, under certain regulations agreed upon by the congregation. The building cost a large sum, and was much in debt, when in the year 1835, some individuals, who had contributed little to the building of the church, endeavoured, by great violence and insulting behaviour, to change the Constitution, and thereby deprive the Trustees of all power and authority in conducting the temporal affairs of the church.

These disputes were enquired into by Commissioners, and this party proposed leaving the congregation, upon receiving back their subscriptions. The commission closed its labours, and the difficulties were not removed; the consequence was that a large number either withdrew from the church, or from all interest in its management—Mr. Morris was among the latter number.

To pay the debt, a *second* subscription had been previously entered into; and now, when the congregation was broken up, the papers were allowed to remain in the hands of the old Trustees, without being enquired after by any one for many years, and with a perfect understanding that every thing connected with these subscriptions, as far as the injured portion of the congregation was concerned, was at an end and void. So clear was this understanding, that the new powers in the church began quarterly collections to *pay off* the debt, and continued doing so for about five years, when it was proposed from the pulpit that a sufficient number of the members of the church should enter into an engagement to pay a stated sum each for the purpose of cancelling the *balance then owing* of the *old debt*; and up to that time the subject of the original subscription papers, which had so long remained unopened, was never once, publicly or privately, so far as is known, spoken of.

The following extract of the proceedings of the Synod, taken from the *Montreal Gazette*, of the 29th September, 1835, shows that the Constitution of St. Andrew's Church, of the 2d January of that year, and which carried out the principles of the regulations in existence when the church subscriptions were entered into, was set aside by that reverend body, although adopted by a large majority of the congregation, and thus all obligation to pay more money was destroyed.

"The Synod next took into consideration certain difficulties existing in St. Andrew's Church, Perth, upon a petition of Mr. Francis Allan and others, and also on a protest and complaint of said F. Allan, against certain proceedings of the Presbytery of Bathurst. After reading the papers connected with the case, the parties were called to the bar. Mr. Allan was heard in support of the petition and complaint, Mr. Robson for himself, and Messrs. Fairbairn, Wilson and M'Alister were heard in behalf of the Presbytery of Bathurst; Dr. Wilson and W. Morris, Esqr. of Perth,

were heard in reply; when upon the motion of the Rev. A. Mathieson, seconded by the Rev. A. Gale, it was unanimously resolved that the Synod, having taken the subject of the petition, &c. into consideration, and after mature deliberation, find that the Constitution framed on the 3d January 1835, the approval of which forms part of the prayer of the petition, cannot be sustained, in so far as in regard to the dismissal of Elders and the permanency of the Pastoral office, it involves matters for which the congregation is incompetent, and which have been determined in this case in a manner at variance with the laws and practice of this Church, declares the said Constitution null in these respects. *The Synod further disapproves of the Constitution framed on the 28th January, 1835, as being inconsistent in some of its details with the rights of certain parties connected with the Church*; disapproves also of the conduct of the Presbytery of Bathurst in the approbation they recorded of the latter Constitution, and orders the whole minutes respecting the same to be expunged. And in as much as it appears to the Synod that great heats and divisions have arisen in the congregation of Perth respecting said Constitutions, resolves that the Commission of Synod proceed to Perth forthwith with authority to inquire into the origin of such distractions, and to use their endeavours to remove the causes thereof, enjoining the Presbytery of Bathurst to give effect to the decisions of the Commission in so far as they Presbyterially may."

1st. The ground upon which the church stands, as well as the glebe lot, is held in special trust by certain persons named in the Patents, and the succession is kept up in the way therein pointed out.

The opposition in the congregation abolished an existing Constitution, and vested these properties in Trustees to be appointed by persons in the congregation who previously had no right to vote. This unheard of proceeding was sanctioned by the *Bathurst Presbytery*, and the Synod afterwards condemned their conduct in the following language, and ordered all the records therein to be expunged: "The Synod further disapproves of the Constitution formed on the 28th January, 1835, as *being inconsistent in some of its details with the rights of certain parties connected with the church.*"

2nd. The power to manage the temporal affairs of the church was placed in the hands of persons who had not contributed a farthing towards its erection, and who were not required to hold a Pew or even a single sitting in one!

This further violation of the rules under which the church was built, and the engagements entered into to pay the debts, is shewn in the above *abolished Constitution*, articles 5th and 11th.

Notwithstanding the disapproval by the Synod of these illegal and indecent proceedings in the congregation, the party continued their insulting behaviour, and so the congregation was broken up, and all proceedings by the former managers terminated.

(COPY.)

PERTH, 12th April, 1841.

SIRS,

For a period of more than five years past I have studiously avoided all knowledge of the temporal management of St. Andrew's Church of this place, of which you are the Trustees; you will therefore readily conceive that I can have no great pleasure in either conversing or writing on the subject. But recent occurrences leave me to alternative. Had I supposed that putting you in possession of the old subscription lists could have given you occasion to revive the bickerings of past years, I would

best have consulted the peace of the neighbourhood, as well as the true interests of the congregation, by consigning the papers to the flames. I did not do so, but, willing that you should profit by the knowledge which a perusal of their contents might afford, put them into your hands, under an impression that compulsion in no case was thought of or desired by the Trustees; this was expressed distinctly to me by a deputation from your body, and also by your Trustees. When the former disputes which were heard before the Commission of the Synod were brought to a close by the retirement of certain Members of the Church, I think I may confidently assert that no one ever dreamt that the Members who felt aggrieved by the violation of the principles under which the Church was built, and for the payment of the debts thereof had entered into a supplementary subscription, were any longer regarded as morally or legally bound to pay another farthing of their subscriptions; and the whole investigation in the Church at that time bespoke the prevalence of such a feeling, else why did *your party* agree to go away and leave us in possession of the building *on condition* that we paid you back every farthing you had contributed to its erection? This bargain was all but closed, and I received much blame afterwards for having thrown an obstacle in the way of its completion. What would you have said had any one of us proposed that you should continue your payments? The very idea is unfeeling as well as unjust—that negotiation which at one time had well nigh brought the labours of the Commissioners to a sudden termination, was suggested by the annexed letter which I addressed to them and which speaks in forcible language the sentiments I then entertained and still approve of, and which I am happy to know met with your cordial approbation, for nothing prevented our paying you back your contributions and keeping the Church, but the fear of difficulties on the part of the Presbytery when we might apply to them for the settlement of another Minister.

My opinion is that men who consented to such a bargain, instead of maintaining, as you do, that your aggrieved opponents should go on paying the subscriptions, ought under the *golden rule*, to return all they have paid—that would be justice, working both ways. Your present proceedings are under the direction of one handed justice, who says, "When I leave you, return me all I gave, but when you go away you shall not only get nothing back, but you must continue to give."

It would seem you are mortified that you, after a lapse of seven or eight years, paid the principal of my claim on the Church, and because, as I understood, your deputation on Saturday evening last, some misconception arose respecting the amount of my second subscription:—this part of the occurrences I regret, not that it alters the principle upon which I stand, but because it might give room to the uncharitable to suppose that I *intentionally* represented that subscription as being less than it really was. When Messrs. Brown, Morrison, and Cuthbertson, called on me one Saturday night respecting my claim and the subscription lists, after a good deal of conversation as to my liability to pay the subscription, I stated peremptorily that I never would pay any part of it, considering as I did, that the violation of the Constitution under which it was promised, set me entirely free from all obligation on the subject. I had not looked at the papers for years, and had never after the difficulties, supposed that the aggrieved members were looked to as liable, and so indistinct was the impression of the painful circumstances on my mind at the moment, that when Mr. Brown asked me how much my second subscription was I could not tell till I cast my eye over the paper, where I saw £3 6s 8d. as one third of the amount, and therefore, I replied "Ten

Pounds," and this sum did I really believe was the true amount, till last Saturday afternoon, when accidentally passing Mr. Matheson's shop, he came to the door and requested me to call on my return; I did so, when he informed me that Messrs. Kay and McPherson had just been there regarding the Church subscription. I saw in his book that I had paid him £10, which convinced me that my subscription was that sum and not £3 6s 8d., and that I had at the close of the disputes, balanced my obligation to pay more than I had already done, by striking out the £10 and inserting the third part of the amount:—At the time I told Mr. Brown that I had subscribed no more than £10 I was not even certain that I had paid any part of it, but I said the impression on my mind was that I had paid one instalment of it, but that I would never pay more.

It is important I should tell you in writing, that I informed Messrs. Brown and his associates that evening, that I could never let the list out of my hands until I had the consent of the aggrieved subscribers, or had stricken their names from the lists—and if they chose to take them after I had done so they were at their service. They seemed quite agreeable, and I told them that I would look *over* the lists on Monday, and strike out all those names. I invited them to call back on Monday night and get the papers; they led me to think they would do so, and accordingly the papers were made ready for them that evening; but they did not return. The papers lay in my hands some time after, till Mr. McPherson came to pay my claim, when I mentioned to him that the Trustees had promised to call for them but had not; he said I might hand them to him. The latter part of the transaction (I mean my invitation to the Trustees to call for the papers) was not admitted by your deputation last Saturday, but I hope they will tell you that Mr. Morrison, on being sent for, corroborated it fully. Should you have occasion hereafter to correspond with me on the subject of these or any other Church matters, I request, in order to prevent misunderstanding and misrepresentation, that you will do so in writing.

My desire is that you will send the subscription lists, together with his letter, to the next Synod, to the end that the documents which are held *in retentio* by the Commissioners may be examined, and a Report had as to the propriety of your calling on the aggrieved members for the payment of their subscriptions.

I remain,
Sirs,

Your obedient Servant,
W. MORRIS.

(Signed,)

To the Trustees of the St. }
Andrew's Church, Perth. }

PERTH, 29th April, 1845.

MY DEAR SIR,

With respect to the charge brought against you in the article in the *Bathurst Courier*, signed O. P. Q., of having, by erasing the subscription paper, defrauded the congregation out of £20, I have only to remark, that if in this instance you did wrong I did the same, for we both made the same alteration, and according to my understanding of the matter, we were fully borne out by the facts of the case. I believe it is true that the Synod ordered the new Constitution of the opposing party to be cancelled, and all the entries of the Presbytery in approbation thereof to be expunged. But that Reverend Body did more, for they also declared the Constitution under which we had built the Church and subscribed our money null and void, and hence our *right* to erase our names and subscrip-

tions,—a right fully recognised even by the opposing party, who during five years took other means of paying off the debt, without saying a word to me about the subscription papers.

Yours sincerely,
R. MATHESON.

The Honble. William Morris, }
Montreal.

On the day before the cause was tried at Brockville, Mr. Morris received, through the medium of a third party, a proposition from Mr. Cameron, that if he would withdraw the action, he (Mr. C.) would sign an apology, which was submitted, and which contained the following:—

“Having been instrumental in publishing in the *Bathurst Courier*, of the 9th January, 1844, a defamatory libel on your private as well as public character, in an article contained in that paper, signed O. P. Q.; and being anxious to repair the injury thereby done to your feelings and reputation, I now voluntarily withdraw all the charges and imputations against you in that article, and express my sincere regret that I should have inflicted so great an injury on your character and feelings. This apology I shall publish in an early number of the *Bathurst Courier*, and you are at liberty to use it in the way you may think most suitable.”

Mr. Morris agreed to accept the apology, and stop the suit without any other condition, a proof that he had no desire to impose any pecuniary penalty on the Defendant. But when the acceptance was communicated to him he proposed some new arrangement about an arbitration, which put a stop to a private settlement, and the trial took place on the following day, a report of which is herewith subjoined, the accuracy of which has not been called in question by any of the newspapers in Mr. Cameron's interest; although, when laying before the public *their* account of the proceedings which took place before the jury, they took very good care to withhold Mr. Cameron's letter of apology of October, 1840, by which alone the enormity of his late offence can be properly understood. That the report has not gone into some of the particulars which caused both surprise and disgust during the trial, must be apparent to every person who was present—some severe remarks made by the judge and the attorney general to the witness, Mr. Dickson, are omitted; and the indecent behaviour of three of the jurors, who kept up an interchange of laughter and significant glances with the defendant, was noticed by many of the spectators.

FROM THE STATESMAN.

JOHNSTOWN DISTRICT ASSIZES.

BROCKVILLE, April 26th, 1845.

THE HON. WM. MORRIS,

vs.

MALCOLM CAMERON, ESQUIRE.

Trial for Libel, as originally published in 1828, under the signature of "James Robertson," and again republished, in 1844, with additions, in the Toronto "Examiner," under the signature of "J. T." and in the "Bathurst Courier," under the signature of "O. P. Q."

This was a Special Jury Case, and the following names being drawn, were struck off by Mr. Steele, as Counsel for the Plaintiff.

1, Alpheus R. Munsell; 2, Ninion Bates; 3, George Delong; 4, Wm. Patrick; 5, Freeman Nettleton; 6, Chas. Melon; 7, Alex. McCarger; 8, James Blanchard; 9, Steel Smith; 10, Levi Alguire; 11, Aaron Merri-
rick; 12, Edward Howard.

The following names being drawn, were struck off by Mr. Richards, as Counsel for Mr. Cameron.

1, George W. Earl; 2, Wm. Robertson; 3, R. Percival; 4, Robt. Peden; 5, John Johnston; 6, J. S. French; 7, Albert Pearson; 8, Daniel Collins; 9, Thos. Webster; 10, Wm. Manuel; 11, J. Slack; 12, John Brennan.

The following 16 names remained, of whom the first named 12, answered to their names, and were sworn of the Jury:—

1. Joshua Legg, of Leeds.
2. Wellington Landon, of Farmersville.
3. James Higgins, of Prescott.
4. Alex. Smith, of Prescott.
5. Thomas Meyers, of Bastard.
6. Wm. McDonald, of Newborough.
7. Samuel Glasgow, of Prescott.
8. Thos. P. Kenyon, of Yonge.
9. Rallia D. Davidson, of Bastard.
10. Calvin Troop, of Augusta.
11. Thos. Mealy, of Oxford.
12. Emery Blanchard, of Elizabethtown.
13. Samuel Brasher, of Prescott.
14. Billa Flint, of Brockville.
15. Wm. Lang, of Kemptville.
16. James Froome, of Augusta.

Mr. Draper stated the case to the Jury in a very able and eloquent speech, which occupied over three hours in the delivery.

The following evidence was then given:—

Andrew Dickson, Esq., sworn and examined by Mr. Draper—Is Sheriff of the Bathurst District;—knows the hand-writing of the defendant. (Here the manuscript of the alleged Libel was produced by Counsel, and put into the hands of Witness.) Believes it to be the hand-writing of the Defendant—cannot say that he knows it to be his hand-writing.

Question by Mr. Draper—I ask you again, Mr. Dickson, if you do not know that paper to be the handwriting of the Defendant?

Witness—I will not answer that question; I think I might criminate

myself if I did. I would, perhaps, leave myself liable to a criminal prosecution.

Mr. Draper—Look over the writing again, and say if you have any reason to doubt that it is the Defendant's hand-writing.

Witness—I think the heading does not look like his hand-writing. Has no doubt but that the body of the article is his hand-writing—some of the interlineations may not be—cannot say if there is any other hand-writing in it—has his doubts. Will not swear positively whose hand-writing it is.

Mr. Draper—Did you not see the Defendant write it?

Witness—My Lord, I refuse to answer that question.

Judge—Why do you refuse to answer, Mr. Dickson?

Witness—Because it might lead me into difficulty. Cannot say if he (the Witness) ever saw the paper before—he might have seen it.

Mr. Draper—Was it not at one time delivered to you by the Defendant?

Witness—I must refuse to answer that question, from a belief in my mind, that I might subject myself to a criminal prosecution.

Mr. Draper—Did you ever hear the Defendant say he wrote it? (Declines to answer.) Has the defendant ever spoken to you upon the subject of that paper? (Witness refused to answer.) Did he never tell you he was the author of the letter, published in the "Bathurst Courier," and signed "O. P. Q." (Witness refused to answer.)

Judge—Mr. Dickson, I can suffer no further evasions. I cannot allow it: all witnesses must be treated alike; you must answer all proper questions where they do not implicate yourself; and I cannot see that what was said by the Defendant can in any way lead to your criminality.

Witness—My Lord, there are many ways of implicating a witness.

Mr. Draper—Did you never hear the defendant speak of it as his own composition, his own production?

Witness—I do not recollect any particular time.

Judge—Never mind the time, Mr. Dickson, you are not asked that.

Witness—My Lord, I have had a thousand conversations with Mr. Cameron about the matter.

Mr. Draper—Do you recollect any of the particulars which passed between you at any of the conversations?

Witness—Can't say that I do.

Mr. Draper—What! not a word!

Witness—Not that I recollect.

Mr. Draper—You may go down, Mr. Dickson;—perhaps you will recollect yourself, and I will recall you.

William T. Jones, Esq., sworn and examined by Mr. Steele.—Is well acquainted with the handwriting of the Defendant. (Here the witness had placed in his hands the manuscript draft of the Libel, as also the letter of Apology, written by the Defendant to the Plaintiff, both of which he carefully examined.) Has no doubt that both papers are in the handwriting of the Defendant.

Cross-examined by J. H. Cameron, Esq.—Will not undertake to swear, that the heading, (To the Editor of the G. C.)—Bathurst Courier—is the handwriting of the Defendant, but believes it is—has no doubt that the whole of both documents are in his hand-writing.

Robert Moffatt, Esq., sworn and examined by Mr. Steele—Resides at Perth, and is well acquainted with the handwriting of the Defendant—has examined both the documents,—the Libel and letter of apology,—and has no doubt both are in the handwriting of the Defendant—has seen the libel before its publication; received it from Andrew Dickson, Esq., Sheriff

of the Bathurst District, in the lobby of the Court House, at Perth, on the 3rd day of January, 1844, in the afternoon.

Judge—Was Mr. Dickson Sheriff at the time he gave you the Libel.

Witness—He was, My Lord.

Mr. Draper—Will you be good enough, Mr. Moffatt, to state, for the information of the Court, the particulars that occurred on that occasion?

Witness—I am sworn to tell the whole truth, and I will do so, let the consequences be what they may. I am Clerk of the Municipal Council of the Bathurst District, and at that time I was also Clerk to the Sheriff—there was a political meeting held at Perth on the 3rd of January, the avowed object for discussion was the removal of the Seat of Government to Montreal. In the evening after the meeting was over, Mr. Cameron, the Defendant, and Mr. Dickson, drove up together in a sleigh, to the Court House; Mr. Cameron sat in the sleigh, while Mr. Dickson got out and came into the office in the Court House; pulled out the manuscript of the Libel, and gave it to me, at the same time telling me, it was written by a friend of his, Mr. Cameron; that he wished it copied, and given to the Editor of the Bathurst Courier, for publication, and at the same time handed me a Dollar Bill of the Bank of the People, to give the printer. I copied the Libel, as directed, and gave it to Mr. Thompson, the Printer of the paper, in scraps, as I copied it. I afterwards saw it published in the newspaper, on the Tuesday following, being the next day of issue. After I had copied it and found out its libellous nature, I regretted my having copied it; and had the Sheriff returned to town, before the next day of publication, I should have returned him back the manuscript; but he did not come back to Perth till the day of the next political meeting.

Cross-examined by J. H. Cameron, Esq.—The alleged Libel has not been in his possession ever since—mentioned the circumstances to a friend of Mr. Morris', and afterwards gave up the manuscript to him—marked the paper before parting with it. [Here the witness referred to the marks.] Was the copy you gave to the newspaper examined by any person, and compared with the original? No, the matter was kept too private to admit of that; but I have no doubt it was a true copy.

James Fraser, Esq., sworn and examined by Mr. Steele—Resides near Perth; his son is a subscriber to the Bathurst Courier.

[Mr. J. H. Cameron objected to the further examination of this witness, until the paper itself was first proved.]

James Thompson, sworn and examined by Mr. Steele—Is the Printer and Publisher of the Bathurst Courier; was so in 1844.

Were you subpoenaed to produce the manuscript given you by Mr. Moffatt.

Yes, but I can't find it—thinks it was destroyed at Mr. Moffatt's suggestion at the time, but cannot say positively: at all events cannot now find it. [The paper in which the Libel was printed was produced, and given to the witness.]

Did you print that paper?

I printed one like it.

Judge—Oh, come, come, don't be evasive: recollect the solemn oath you have taken; you are bound to tell the whole truth; now then give a fair answer to a fair question.

Did you print this paper?

Witness—I have no doubt the paper was printed by me. It was published on the 2nd of January, '44, the letter signed "O. P. Q." which it contains, was set up from the manuscript supplied by Mr. Moffatt.

James Fraser, re-called and examined by Mr. Steele—Has seen the paper now put into his hands, called the "Bathurst Courier," before—re-

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ceived it at Mr. Holliday's, a saddler in Perth, where the papers are left by the Printer for his son, who is a subscriber to the paper: he marked the paper and knows it to be the same, received it the day it was printed.

[Here the Libel was produced and read.]

Andrew Dickson, Esq., re-called and examined by Mr. Draper,—In all the conversations you had with Mr. Cameron, did he ever allude to himself, as being the author of the article signed, "O. P. Q."?

Thinks there was a marked reservation when speaking upon the subject.

The same question was again repeated.

Witness—I cannot call to memory any allusion made by him to me! I have received letters from him!

Mr. Draper—Will you swear that you have no knowledge that the defendant is the author?

Witness—I cannot swear that!

Judge—Did Mr. Cameron at any time desire you to have it published in the Bathurst Courier?

I cannot say that he did, My Lord!

Mr. Draper—From anything the defendant said to you, do you know the article was published in the Bathurst Courier?

It may have been published by his consent?

Question. Can you say upon your oath, whether it was, or was not published with his consent?

Answer. Possibly it might have been published with my consent!

Question. Do you know if the defendant assented to its being put into any person's hands for publication?

Answer. I am not aware, from his conversations, that he knew of its publication?

Question. Did he say anything to you about the publication signed "O. P. Q."?

Answer. I recollect nothing but what might criminate myself.

Question. Did you ever hear the Defendant say it was to be published?

Answer. I cannot say that I did.

Question. Now on your oath, Mr. Dickson, cannot you say that he assented to the publication?

Answer. I am at a loss to give an answer, lest it should lead me into trouble.

Roderick Matheson, Esq., sworn and examined by Mr. Steele. Has read the article in the Bathurst Courier, signed "O. P. Q." Has also read the article in the Examiner, signed "J. T." and has also read Mr. Morris' reply in the Derpatch. These articles were calculated, in his opinion, to injure Mr. Morris in the esteem of those who did not know him.

Sutton Frizzle, sworn and examined by Mr. Steele. He has read the article signed "O. P. Q." Understood the allusion in that article to the "ghost of James Robertson," to mean the former publication, signed "James Robertson." Understood the innuendoes in the libel, to allude to Mr. Morris.

Cross-examined by Mr. J. H. Cameron.—Did you observe no distinction in the two names?

Yes, but I supposed it to be a mistake of the types; one was signed James Robinson, the other, James Robertson.

Roderick Mattheson, Esq., re-called. Understood the innuendoes to allude to Mr. Morris—understood them to impute fraud to Mr. Morris.

Cross-examined by Mr. Radenhurst. Do you know whether Mr. Haggart felt himself aggrieved?

I do not know what he felt.

Did the alleged Libel injure Mr. Morris in your estimation?

No—not in the least; I knew his integrity too well.

...ere the case closed for the Plaintiff, after which Mr. John Hillyard Cameron addressed the Jury at great length, and in an exceedingly ingenious manner, for the Defendant. As we have not given Mr. Draper's Speech, we decline giving Mr. Cameron's, and confine ourselves strictly to the Evidence and to the Judge's Charge.

THE JUDGE'S CHARGE.

The Judge commenced by reminding the Jury, that the issues were to be tried and considered, as if the parties were unknown to them, to forget all feeling and prejudice to one side or the other; to look at the record as sustained by the evidence, and at nothing else; and to remember their oaths, a true verdict to give according to the evidence.

The learned Judge then proceeded to point out, that the Plaintiff was a Legislative Councillor, and the Defendant a member of the Legislative Assembly, that it so appeared upon the record; that there was therefore the less ground for supposing that either had acted ignorantly, or without due consideration.

The judge then defined a Libel, and marked the distinction between verbal and written slander, and the more lasting injury inflicted by the latter. He quoted Hawkins as to the law of Libel, and said the Jury were here to consider whether it was the intent of the article in question, to bring the plaintiff into contempt, hatred or ridicule. Then what were the facts of the case? It appears that, in consequence of a speech delivered by the Plaintiff in the Legislative Council, certain remarks on him were made in the Examiner; public discussions on public subjects and public men is allowable; the plaintiff had done so here. Comments on Government men and measures in such places, are allowable to almost any extent; but a party has no right, even there, to publish slander of private individuals. The conduct of public men may be publicly and freely discussed, but when discussed, it must be in reference to their public acts. One is not at liberty, because another is a public character, to call him a liar, a coward, or swindler: That is not fair discussion. This is a point too often overlooked, and he could not help remarking that much of the dissension and dissatisfaction in the country, has arisen from attacks on private character, rather than on public acts. If the plaintiff and defendant had both abstained from this, they would have set a good example.

(The Judge here read the Libel "J. T." and commented upon its departures from legitimate discussion, observing that the writer himself appeared to have drawn the distinction between public and private character, but had assailed both. Political character may be assailed, but not private.)

Then O. P. Q. comes, it would appear that the defendant meant to charge J. T. as true; meant, to use a phrase of our neighbours, to endorse it. (The Judge here read portions of O. P. Q.) The part of O. P. Q. relating to the School affair, was perhaps all fair comment, and still he should not have charged the plaintiff with wilful untruth. The writer of O. P. Q. seemed to wish to identify himself with J. T. in saying that "J. T. exposed him," and the country sustained "J. T."

The learned Judge then read that portion reflecting on Mr. Morris' loyalty, and remarked—This is a middlesome matter; if Mr. Buell had been attacked, it might be very fair for himself or his friend to use some

hard words in return, if confined to a defence of Mr. Buell, but O. P. Q. does not thus confine himself, but attacks the Plaintiff. That part of the article referring to the Plaintiff's resigning his commission, folded arms, &c., is a great slander. The Defendant himself would have felt such charges keenly.

This seemed a direct attack on the Plaintiff, in his private character, and designed to do him a personal injury.

The Judge then read the last paragraph, and said, This refers to something private, not public; to something wrong in the several particulars mentioned, this has nothing in the world to say to public character, it is all private slander. The Defendant should not have published this of the meanest man of the community, much less, of one standing in so high a position as the Plaintiff. The Defendant could not plead ignorance; this was done to injure him in his private relations.

Another part remained for consideration, whether the article was malicious. Malice is always inferred when words tend to charge improper conduct. There were known privileged occasions in which malice would not be inferred. Statements of Counsel were privileged communications; so were statements in Legislative Assemblies; there were others, such as giving servants characters, privileged, if honestly given. Still, even in privileged communications, malice might be inferred. But when libel was not privileged, and was slanderous and unjustified, the law inferred malice. The law presumes slanderous statements are made maliciously, and no evidence need be given.

Thinks it great forgetfulness in the Defendant to publish the latter part of O. P. Q., having written the letter he did in 1840; regretted to have to comment on it. This letter was written in regret for the article signed "James Robertson," and was written probably at some moment when the Defendant's heart was right. We have all such moments. (The Judge here read the letter, a copy of which we give below.) Thinks the Defendant's heart was in the right place when this letter was written, and it should have been met in a good spirit. Why, this foolish article should again be revived, he did not know; however, it was the strongest evidence of malice, that the same charges should be revived after that letter of 1840, which admitted them to be slanderous and unjust.

This was the Libel—such the motives—and no good defence. As to the proofs there is the Libel, there is no dispute that it is in the handwriting of Defendant; a paper found abroad, in Defendant's handwriting, is *prima facie* evidence of publication; this has been the law for 150 years. The paper being in Defendant's handwriting is not disputed, so far as a direct answer could be got from Mr. Dickson it may have been. He did not like to comment on Mr. Dickson's conduct; he was the Sheriff, and not there upon his trial; he should, however, have recommended to him, a different course of behaviour.

The evidence of Mr. Cameron's handwriting was clear and conclusive. There was evidence too that Dickson and Cameron came together, that Dickson handed the paper to Moffatt, and desired him to copy it, and have it published; this was strong evidence. The paper itself contained evidence of intent to publish, some doubts were thrown upon the heading of the Libel, but even overlooking that, the commencement of the letter speaks for itself; "Sir, in your last No., &c." The declaration was that the letter in the "Despatch" appeared in the "Courier," and this is admitted; there is, therefore, an end on this point, that the article was thus written with intent to be published in the "Courier."

The Judge expressed his opinion that the publication was libellous according to all law—and the Jury might retire and consider what should be

their verdict. He knew nothing of defendant's ability to pay, or the plaintiff's desire to obtain damages, but the Jury might consider what themselves would expect under like circumstances, if satisfied the article was libellous and malicious, as he thought it was.

A party coming into Court in this way put his character in issue, and could not be entitled to damages if the libel was true; in this respect, therefore, an action is preferable to an indictment. Defendant has not here pleaded the truth of aught he has here stated and he should never come into Court and say, you are a member of the Legislature, and fair game, and under that cloak say all manner of things against his private character.

If politics are to be a license to private slander, and afford a shelter, the man so slandering is worse than a common slanderer, doing that under cover, he dare not do openly.

He would not affect ignorance of the parties' standing and situation; the one was, on this account, so much the more entitled to protection, and the other more liable to damages.

The Jury then retired and remained in consultation about two hours, after which they returned into Court and found a Verdict for the Defendant!!!

Judge—Gentlemen, may I ask, if your verdict has been founded upon your opinion of discredit being attached to any part of the evidence?

Jury—No, My Lord.

Judge—It is to be hoped your example will be followed by other Jurors.

The original Libel was published in 1828, by Mr. Cameron, for which he afterwards spontaneously offered Mr. Morris redress, as appears by the following letter of apology, which Mr. Morris accepted in full. It was for the re-publication of the same slanderous matter—four years after he had apologised for it—that the present action was brought.

PERTH, October, 1840.

DEAR SIR :—

In a conversation at Brockville with your brother James. I inferred that you still feel that my having [the] been the author of that foolish and unfortunate production signed "James Robertson," without having ever acknowledged its impropriety, is a bar to that cordiality of feeling which should exist with those professing similarity of views and feelings on many subjects. I would to explain and have explained some matters since; but feeling with him that no good would result from this, I am most anxious, as I have been for years, to bury in religious oblivion every unkind or even cold feeling; and I feel a pleasure at once in stating to you what I have oft said to many of my friends—that at the time I wrote that piece, I had not the slightest personal feeling against you, but the contrary: but young and vain—in the employ for four years of your opponents—more or less under their influence and flattery—and urged by two persons I need not name, to gratify the vanity they flattered, I wrote (and they printed) a production unkind, unjust, and mischievous in its tendency—without any cause to doubt or intention to injure the acknowledged integrity of your private or public character.

Having said thus much with pleasure from my heart, I trust you will admit the causes, excuse the folly, forgive the injury, and believe me that

I am now above falsehood or deceit, and favour me with an expression of your respect, which I will, and would at all times have received as an evidence of my propriety of conduct.

I am sincerely,

Yours respectfully,

M. CAMERON.

The Hon. Wm. Morris, }
Perth.

A true copy,

J. JOSEPH, C. A.

PERTH, Oct. 7, 1840.

DEAR SIR :—

I have sincere pleasure in acknowledging the letter of explanation which you sent to me yesterday ; and I can assure you that the subject of it shall henceforth be with me, as though it never had been.

Wishing you prosperity and happiness,

I remain, Dear Sir,

Yours sincerely,

WM. MORRIS.

M. Cameron, Esq.

A true copy,

J. JOSEPH, C. A.